

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 148937-191	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/JP2004/011135	International filing date (day/month/year) 04.08.2004	Priority date (day/month/year) 12.08.2003	
International Patent Classification (IPC) or national classification and IPC C09D183/16, C01B33/12, C09D171/00, 183/04, H01L21/312			
Applicant AZ ELECTRONIC MATERIALS (JAPAN) K.K.			

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p><input checked="" type="checkbox"/> Box No. I Basis of the report</p> <p><input type="checkbox"/> Box No. II Priority</p> <p><input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p><input type="checkbox"/> Box No. IV Lack of unity of invention</p> <p><input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p><input type="checkbox"/> Box No. VI Certain documents cited</p> <p><input type="checkbox"/> Box No. VII Certain defects in the international application</p> <p><input type="checkbox"/> Box No. VIII Certain observations on the international application</p>

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/JP2004/011135

Box No. I Basis of the report

- With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

This report is based on translations from the original language into the following language _____, which is the language of a translation furnished for the purposes of:

 - international search (Rule 12.3 and 23.1(b))
 - publication of the international application (Rule 12.4)
 - international preliminary examination (Rule 55.2 and/or 55.3)
- With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

the international application as originally filed/furnished

the description:
pages _____ as originally filed/furnished
pages* _____ received by this Authority on _____
pages* _____ received by this Authority on _____

the claims:
nos. _____ as originally filed/furnished
nos.* _____ as amended (together with any statement) under Article 19
nos.* _____ received by this Authority on _____
nos.* _____ received by this Authority on _____

the drawings:
sheets _____ as originally filed/furnished
sheets* _____ received by this Authority on _____
sheets* _____ received by this Authority on _____

a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
- The amendments have resulted in the cancellation of:

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____
- This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

the description, pages _____
 the claims, nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.
PCT/JP2004/011135

Box No. V **Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Claims <u>3, 4</u>	YES
	Claims <u>1, 2, 5, 6, 7</u>	NO
Inventive step (IS)	Claims <u>3</u>	YES
	Claims <u>1, 2, 4, 5, 6, 7</u>	NO
Industrial applicability (IA)	Claims <u>1-7</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 8-51271 A (Dow Corning Corp.), 20 February 1996, [claims], paragraph [0021]

Document 2: JP 9-107171 A (Dow Corning Corp.), 22 April 1997, [claims], paragraph [0023]

Document 3: JP 2002-75982 A (Clariant (Japan) Kabushiki Kaisha), 15 March 2002, [claims], paragraph [0033]

Document 4: JP 1-138107 A (Petroleum Energy Center (PEC)), 31 May 1989, claims, pages 5 and 6

The invention set forth in claim 3 is novel and involves an inventive step.

A coating composition containing a polyalkyl silazane compound, an acetoxy silane compound and an organic solvent, which further contains a porosity imparting agent that is a copolymer comprising a siloxy-containing polyethylene oxide compound or a siloxy-containing polyethylene oxide compound as the monomer unit, is not disclosed in any of the documents cited in the international search report and such a feature would not be obvious.

The invention set forth in claims 1, 2, 5, 6 and 7

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lacks novelty over documents 1 and 2 cited in the international search report.

Documents 1 and 2 disclose coating compositions comprising a polyalkyl silazane compound, an acetoxy silane compound and an organic solvent.

Both the coating compositions mentioned above and the coating compositions set forth in claims 1 and 2 contain a polyalkyl silazane compound, an acetoxy silane compound and an organic solvent. Therefore, since it is not possible to clearly distinguish between the inventions, the claims made by the applicant in the response to the written opinion cannot be accepted.

Moreover, documents 1 and 2 disclose the addition of suitable additives to the compound, a silica material obtained by pasting the compound onto a substrate and heating the substrate under predetermined conditions, and a semiconductor device containing said silica material as the interstitial insulation film.

The invention set forth in claims 1, 2, 4, 5, 6 and 7 does not involve an inventive step in the light of documents 1-4 cited in the international search report.

Documents 3 and 4 disclose the feature of using a polyalkyl silazane compound with a predetermined structure as the polyalkyl silazane compound to produce the siliceous material through baking and document 3 discloses the feature of including a porosity imparting agent in the coating composition containing a polyalkyl silazane compound for producing a siliceous material through baking.

Consequently, it would be easy for a person skilled in the art to use the polyalkyl silazane compound

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disclosed in documents 3 and 4 as the polyalkyl silazane compound contained within the composition disclosed in documents 1 and 2 to polyalkyl silazane compound and to use a porosity imparting agent as an additive.